IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5265 OF 2005

Avinash Tukaram Sanas ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. M. S. Mohite i/by Shri. Naveen Chomal for the Applicant.
Shri. A. S. Gadkari, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 22, 2005.

P.C.:

1. Heard Advocate appearing for the Applicant and the learned A.P.P. for the State. The earlier Application made by the Applicant has been rejected by this Court by order dated 30th June, 2005.

2. The main ground on which the said Application has been rejected is that there is substance in the apprehension of the Investigating Agency about the conduct of the Applicant after he is enlarged on bail. This Court held that in view of persistent allegations made by the Applicant against the learned Special Judge and in view of his conduct, the apprehension that there is a likelihood of the Applicant polluting the process of justice was well founded. While passing the said order, this Court noted that not only the wife of the Applicant attempted to meet a learned Judge of this Court but, an affidavit of the wife of the Applicant was filed at his instance in the said bail Application by which an attempt was made to place on record the details of what transpired at the residence of the learned Judge. It is also noted in

the order that after the learned Counsel for the Applicant stated that the Applicant was willing to withdraw the allegations made by the Applicant against the learnd Special Judge, on a date fixed thereafter in the second Transfer Application made before the Sessions Judge in which serious allegations were made against the learned Special Judge, the Applicant insisted on continuing the proceeding of the said transfer application.

2. The Application made by the Applicant for grant of bail has been rejected by this Court on the ground that there is likelihood of the Applicant otherwise polluting the process of justice if he is enlarged on bail.

3. This Application is filed on the ground of alleged change of circumstances. The change alleged is that subsequently the Applicant has withdrawn the second transfer application and has withdrawn the appeal preferred by him against the order rejecting the first transfer application. It is stated that the Applicant has tendered apology to the learned Judge of this Court as well as to the learned Special Judge.

4. While rejecting the earlier bail application, I have accepted the case made out by the prosecution on the basis of consistent conduct of the Applicant.

I have accepted that the apprehension of the Investigating Agency about his conduct after he is enlarged on bail is well founded. Considering what is held by this Court in earlier order, in my view the alleged subsequent withdrawal of the Applications and tendering apology is no ground to hold that there is a change of circumstance. Hence, Application is rejected.

JUDGE